

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PATRICK LAMAY, 628384,

Petitioner,

v.

Civil Action No. 13-10482

ERIC BALCARCEL,

HONORABLE GERSHWIN A. DRAIN

Respondent

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**ORDER DENYING MOTION TO APPOINT COUNSEL [# 12]**

Petitioner Patrick LaMay filed the instant 28 U.S.C. § 2254 habeas-corpus action on February 6, 2013. Presently before the Court is his “Motion to Appoint Counsel,” filed on May 13, 2013. ECF No. 12. In his motion, Petitioner is requesting the assistance of counsel because he is indigent and cannot afford to retain counsel and Petitioner has limited knowledge of the law. For the reasons stated, the Court denies the motion without prejudice.

In civil cases, there exists no constitutional right to the appointment of counsel, and the Court has broad discretion in determining whether counsel should be appointed. *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (the appointment of counsel in a civil case is a matter within the discretion of the court and neither a privilege nor a right) (citation omitted). A habeas petitioner may obtain representation at any stage of the case “[w]henever the United States magistrate or the court determines that the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B).

The Court determines that the interests of justice do not require the appointment of counsel at this time. However, the Court will reconsider Petitioner’s request if, following a review of the pleadings and the necessary Rule 5 materials, which were filed on April 18, 2013 [ECF No. 9], the Court determines that the appointment of counsel is necessary. Petitioner need not file any

additional motions with respect to this issue.

SO ORDERED.

/s/Gershwin A Drain  
GERSHWIN A. DRAIN  
UNITED STATES DISTRICT JUDGE

Dated: May 31, 2013